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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/860,206	05/18/2001	Philip D. Nguyen	HES 2000-IP-002391	5047

7590

11/29/2002

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RECEIVED

DEC 03 2002

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PATENT DEPARTMENT

EXAMINER

JONES, ROBERT D

ART UNIT

PAPER NUMBER

3672

DATE MAILED: 11/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 3672

*Title*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Method of Controlling Proppant Flowback Using An Expandable Sand Screen.

*Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4 and 10 recite the limitation "after the treatment step." There is insufficient antecedent basis for this limitation in the claim. In claim 1, Applicant identifies the claimed invention as "a method of treating." No individual "treating step" is clearly identified in the claims.

*Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

5. Claims 1 and 7 are rejected under 35 U.S.C. 102(e) as being unpatentable over U.S. Patent 6,263,966 to Haut.

6. With respect to claims 1, 6, 7, and 12, in Figures 5 and 6, and in column 2, lines 30-35, and column 5, lines 5-46, Haut discloses a method of treating a subterranean hydrocarbon bearing formation penetrated by a perforated 52 section of a cased 54 wellbore 46 comprising the steps of : pumping through the cased wellbore 46 and the perforations 52 and into the formation a treating mixture comprising particulate matter 62 suspended in a fluid and depositing the mixture in fractures/perforations 52 in the formation; selecting a circumferentially expandable mesh screen 10 of a size to pass through the casing 54 when unexpanded and with an expanded mesh size sufficient to block the flow of the particulate material 62 there through; moving the screen 10 through the casing 54 and positioning the screen 10 in the perforated 52 section of the casing 54; circumferentially expanding the screen 10 against the inside of the casing 54 wall and across the perforations 52.

The step of flowing hydrocarbons from the formation through the expanded screen 10 while the screen 10 prevents the particulate material 62 from flowing into the well, and removing hydrocarbons from the well, is inherent in the method disclosed by Haut.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 3, 5, 8, 9, and 11, are rejected under 35 U.S.C. 103(a) as being unpatentable over Haut in view of the prior art admitted by Applicant (See M.P.E.P. § 2129 regarding the use of admissions as prior art).

Haut discloses the invention substantially as claimed. However, Haut does not teach, the well-known prior art practices of force-closure, hydraulic fracturing, and the use of coated particulate matter. In the "Background of the Invention" section of the application, Applicant admits the well-known prior art practices of force-closure, hydraulic fracturing, the use of coated particulate matter. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the expandable screen method disclosed by Haut, to include the well-known processes of force-closure, hydraulic fracturing, and the use of coated particulate matter admitted by Applicant. One would have been motivated to make the modification because in Haut Figure 5, and in column 5, lines 15-20, Haut teaches that the expanded screen retains particulate matter in the perforations, and prevents it from entering the wellbore. In column 5, lines 10-15, Haut also indicates that it is clearly understood that the screen may be utilized with any method of depositing particulate matter in the perforations.

Claims 2 and 8 are anticipated by Haut as applied to claims 1 and 7 supra, in view of the well-known and admitted practice of force-closure. In the "Background of the Invention" section on page 2 of the application, paragraph 005, Applicant refers to the force-closure limitation cited in the claims in the context of "other techniques that have been used." Therefore, the limitation of force-closure is admitted prior art.

Claims 3 and 9 are anticipated by Haut, as applied to claims 1 and 7 supra, in view of the well-known and admitted practice of fracturing. In the "Background of the Invention" section, on page 1 of the application, paragraph 0002, Applicant indicates that "frequently particulate materials are used as proppant in fractures extending outwardly from the wellbore. In further describing the fracturing process, on page 2, paragraph 003, Applicant indicates that "The proppant

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is used to keep the propped fractures opened and thus to connect the wellbore with the reservoir."

Therefore, the limitation of fracing is admitted prior art.

Claims 5 and 11 are anticipated by Haut as applied to claims 1 and 7, in view of the well-known and admitted technique of using coated particulate matter. In the "Background of the Invention" section, on page 2 of the application, paragraph 0004, Applicant indicates that the method of coating the particulate matter (proppant) with resin has been used in the past.

Therefore, the limitation of using coated particulate matter is admitted prior art.

7. Claims 4 and 10 are rejected under U.S.C. § 103 being unpatentable over Haut, in view of U.S. Patent 5,560,427 to Jones. Haut discloses the invention substantially as claimed. However, Haut does not disclose the step of inserting tubing in the well after the treatment step and circulating particulate from inside the casing to the surface. In Figure 3, Jones teaches the well-known practice of inserting a wash pipe into a wellbore to clean up the wellbore after treatment, and before sustained production. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to insert tubing in the well after the treatment step and circulate particulate from inside the casing to the surface in order to clean the wellbore prior to sustained production.

8. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert D. Jones whose telephone number is 703-305-6296. The examiner can normally be reached on 8:30AM - 7 PM Monday through Thursday..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 308-2151. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4180.

rdj  
November 25, 2002

DAVID BAGNELL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

## Office Action Summary

Application No.

09/860,206

Applicant(s)

NGUYEN, PHILIP D.

Examiner

Robert D. Jones

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-- **Th MAILING DATE** of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 28 October 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**Notice of References Cited**

Application/Control No.

09/860,206

Applicant(s)/Patent Under  
Reexamination  
NGUYEN, PHILIP D.

Examiner

Robert D. Jones

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**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,560,427	10-1996	Jones, Lloyd G.	166/280
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.